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10/537,650

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EXAMINER

NIQUETTE, ROBERT R

ART UNIT

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3695

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/537,650	<b>Applicant(s)</b> BLACHER, GUILLAUME	
	<b>Examiner</b> Robert R. Niquette	<b>Art Unit</b> 3695	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2005 and 30 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Detailed Action***

***Status of Claims***

This action is in reply to the communication filed on 9-29-2009. Claims 1-17 are currently pending and have been examined. In this submission, applicant amended claims 1, 6 and 9 and added claim 17. These modifications are entered.

***Priority***

Acknowledgment is made of applicant's claim for a domestic priority date of 12-5-2003 and a foreign priority date of 12-6-2002. The certified copy has been filed in parent Application No. 10537650.

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on has been entered.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 contains slash marks (scenarios/states). This constitutes indefinite language. Claim 6 is a mirror of claim 14 and applicant did make the necessary amendments to claim 6. Similar correction of claim 14 is solicited.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, examiner does not find support for the limitation of receiving at the computing system via the first user interface contextual data of the product and characteristic data of the product, the characteristic data comprising at

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least one numerical equation that is employed in determining a future value of a financial flow;

displaying a second user interface on the computing system, the second user interface comprising a listing of dates and for each date a product flow defined using at least in part the at least one numerical equation.

The limitation of the numerical equation is not found in the specification.

Additionally, applicant amended the independent claims to recite a future date and a future financial event. There exists no support in the specification as to the limitation of 'future.'

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John.Deer & Co.*, 383 U.S. 1,148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

As to claim(s) 1 and 9, *Wizon* recites:

Claims 1-16 are rejected under U.S.C. Title 35, §103(a) as being unpatentable over US 7418418, *Wizon et al*, in view of US 7467108, *Papka*.

As to claim(s) 1 and 9, *Wizon* teaches:

a computer interface for receiving into the system inputting data that identify and describe the product, the data comprising (At least column(s) 3, lines 1-2 and Figure(s) 1):

contextual data of the product, the contextual data indicating market variables involved in product pricing and used for selecting a market hypothesis for pricing the product, the contextual data comprising at least one valuation currency and at least one underlying instrument (At least column(s) 1, lines 55-67 and Figure(s) 1);

for inputting receiving a list of market variables associated with the product and generated by a market analysis, the market variables identified for each of the plurality

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of dates used in pricing the product (At least column(s) 1, lines 55-67 and column 3, lines 1,2);

and calculating using the market variables, for each of a plurality of market scenarios and for each of the plurality of dates on the schedule, product variable values (At least column(s) 2, lines 1-26);

and calculating a product price as a function of the calculated product variable values (At least column(s) 2, lines 1-26);

Claim 17 further adds:

receiving at the computing system via the first user interface contextual data of the product and characteristic data of the product, the characteristic data comprising at least one numerical equation that is employed in determining a future value of a financial flow (At least column(s) 1, lines 33-35 and column 3, lines 1-9);

displaying a second user interface on the computing system, the second user interface comprising a listing of dates and for each date a product flow defined using at least in part the at least one numerical equation (At least column(s) 1, lines 33-35 and column 3, lines 1-9).

*Wizon* does not recite:

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and characteristic data of the product comprising a set of at least one of future events or financial flows associated with the product;

a data processor adapted for:

generating a planned schedule from the data that identify and describe the product, the planned schedule comprising for each of a plurality of future dates at least one of a financial event or financial flow relating to the product;

interpreting the schedule, in order to generate: a table of variables for the product on the basis of at least one of the events or flows, and for each date of the planned schedule, a function for calculating the product price as a function of at least one of the product variables.

These limitations however are taught by *Papka* in (At least column(s) 2, lines 32-45 and Figure(s) 1). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of *Papka* with those of *Wizon* as incorporating events relative to a security allows for more accurate pricing due to the fact that it considers non-financial events that indirectly impact the price.

As per claim(s) 2 and 10, *Wizon* teaches:

the data processor is adapted for generating a compact script containing all the data needed for product pricing (At least column(s) 3, lines 1-9).



With respect to claim(s) 3 and 11, *Wizon* discusses:

the data processor is adapted for inputting these data in compact script form (At least column(s) 3, lines 1-9).

In reference to claim(s) 4 and 12, *Wizon* discloses:

data processor is adapted for inputting these data in compact script form (At least column(s) 3, lines 1-9).

Concerning claim(s) 5 and 13, *Wizon* describes:

the data processor is adapted for checking the interpretation of the schedule (At least column(s) 3, lines 16-27).

Regarding claim(s) 6 and 14, *Wizon* teaches:

the data processor is adapted for: calculating, for each of the market scenarios and for each of the dates, the value of each of the market variables;

calculating, for each of the market scenarios and for each of the dates, the product variable values as a function of the market variable values; and

calculating the price as a function of the product variable values in all the market scenarios (At least column(s) 1, lines 55-67 and column(s) 3, lines 1-9).

As per claim(s) 7 and 15, *Wizon* recites:

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the data processor is adapted for storing the market variable values in the form of tables (Tvvm) (At least column(s) 3, lines 10-15 and column 5, lines 50-51).

With respect to claim(s) 8 and 16, *Wizon* discusses:

the data processor is adapted for storing, in the form of tables, the schedule (T1), the calculation functions (T2), the product variables (T3), the market variables (T4), and the product variable values (Tvp) (At least column(s) 3, lines 10-15 and column 5, lines 50-51).

### ***Response to Arguments and Amendments***

Examiner holds that the instant application, in its broadest sense, is a pricing scheme based on historical data and events that would affect the price of a security. The gist of the instant application is embodied in *Papka's* column 2, lines 25-45.

Applicant amended the independent claims to add future financial events and generating a planned schedule that identifies and describes the product comprising a financial event or financial flow. Applicant then proffered an argument throughout the response to the office action of 2-27-2099 that the prior artisans do not disclosed these limitations.

As to the argument that the prior art does not recite the limitation of future financial events or generating a planned schedule that identifies and describes the product

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comprising a financial event or financial flow, the examiner feels that this is borne out in the following quotation from *Papka*:

“In one specific embodiment of the approach, textual **financial documents obtained** from public interest web sites were reviewed by financial analysts and classified to be either "good news" or "bad news" **relative to the expected performance of a financial instrument**. In addition, "mixed news" and "mention news" were used as classifications for financial news. Distributions of price changes for a particular financial instrument were sampled from the data based on the occurrences of the different classification of news. **In this embodiment of the approach, the distributions were used to form a model that produces buy, sell, and no-trade signals for the financial instrument**. The model is then used to predict when to buy, sell or not trade the stock given the daily occurrences of the underlying company's financial news.”

When this is combined with the teachings of *Wizon* relative to pricing financial instruments, the instant application is obvious and the arguments are nonpersuasive.

### ***Conclusion***

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The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 20030229563 A1	<i>Moore, Daniel F. et al.</i>
US 20030177077 A1	<i>Norman, Terry</i>
US 20030055775 A1	<i>McQuain, Barry</i>
US 20020019794 A1	<i>KATZ, GARY et al.</i>
US 6546375 B1	<i>Pang; Jong-Shi et al.</i>
US 6377940 B2	<i>Tilfors; Jan et al.</i>
US 7389260 B1	<i>McLean; Robert I. G. et al.</i>

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Niquette whose telephone number is 571-270-3613. The examiner can normally be reached on Monday through Thursday, 5:30 AM to 4:00 PM EDT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert R. Niquette/  
Examiner, AU 3695  
11-10-2009

/Charles R. Kyle/  
Supervisory Patent Examiner, Art Unit 3695